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[Home](#) > [Resources](#) > [News Room](#) > [News Releases](#)

Resources

News Room

News Releases

[2008](#) | [2007](#) | [2006](#) | [2005](#) | [2004](#) | [2003](#) | [2002](#) | [2001](#) | [2000](#)

24/10/2001

Proposed Anti-Terrorism Legislation Casts Too Wide a Net

OTTAWA – October 24, 2001 – The federal government's proposed anti-terrorism legislation, tabled by the Minister of Justice last week, threatens fundamental human rights and casts too wide a net, according to Michelle Falardeau-Ramsay, Chief Commissioner of the Canadian Human Rights Commission.

In a letter today to the Minister of Justice, the Honourable Anne McLellan, Ms. Falardeau-Ramsay acknowledges the government's objective in introducing the legislation. However, she warns that other aspects of the Bill could be "... clearly open to an interpretation that would restrict the rights and freedoms guaranteed under the Charter of Rights and Freedoms and under international human rights law." She refers in particular to the Bill's vague definitions of terrorism and terrorist activity, and the potential for legitimate expressions of political dissent to be captured within such a broad definition.

The Commissioner also registers concern about the provisions on preventive arrests and investigative hearings, which jeopardize the right of an individual to remain silent, noting that "... this represents a radical shift in the Canadian criminal legal system." Ms. Falardeau-Ramsay goes on to urge recommend the inclusion of a sunset clause of no more than three years for those elements of the legislation that increase police powers, such as preventive detention.

These concerns aside, she does express support for the Bill's proposal to amend the Canadian Human Rights Act. Nonetheless, the limited investigative tools provided to the Commission under the Canadian Human Rights Act pale alongside the powers and penalties granted to the state under Bill C-36. She suggests balancing the scale by granting human rights investigators greater powers of search and seizure, and raising the ceiling for awards by the Canadian Human Rights Tribunal, among other measures.

Ms. Falardeau-Ramsay emphasizes the need for thorough public debate on the Bill before it becomes law. Despite the need to move quickly to address the current threat of terrorism, she concludes "... that measures introduced precipitously and which are overly sweeping in their application will have the effect not of rooting out terrorism but of calling into question Canada's strong commitment to the rule of law and to the human rights ideals enshrined in our constitution."

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